

Order

Michigan Supreme Court
Lansing, Michigan

November 15, 2006

Clifford W. Taylor,
Chief Justice

131779

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 131779
COA: 257846
Eaton CC: 03-020327-FH

RICHARD LEE HASSELBRING,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the July 21, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the order of the Court of Appeals and we REMAND this case to the Court of Appeals for plenary consideration of (1) whether the trial court correctly determined that the defense expert's testimony would have been admissible without the hearsay and opinion evidence cited in the trial court opinion; and (2) whether trial counsel's failure to object to testimony he believed necessary for the admission of the defense expert's opinion deprived the defendant of effective assistance of counsel. On remand, if the Court of Appeals determines that the trial court erred in finding ineffective assistance of counsel, the Court of Appeals shall consider the unaddressed issues raised in the defendant's appeal of right.

We do not retain jurisdiction.



p1108

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 15, 2006

Corbin R. Davis

Clerk